

Marion Stone Permit Denial L-034089-4H-A-N

- **Written Public Comment**

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March 31, 2010

Via Hand Delivery and Electronic Mail

Board Chair Susan M. Lessard
c/o Terry Hanson
Maine Board of Environmental Protection
28 Tyson Drive
Augusta, Maine 04333

Re: Marion Stone Appeal, L-24089-4H-A-N (denial)

Dear Chair Lessard and Members of the Board:

I am writing on behalf of the Prouts Neck Bathing Association ("PNBA"), which is the owner of coastal property located immediately to the west of the property at issue in the above-referenced appeal. PNBA's property is fronted by a seawall that for years has been aligned with and connected to the Stones' seawall. The revetment proposed by the Stones would depart significantly from that design.

PNBA appreciates the substantial engineering efforts undertaken by the Stones in their effort to rebuild their seawall. While the proposed revetment may be a good design – perhaps even a stronger design than the existing vertical bulkhead – when viewed in isolation, there is significant uncertainty regarding the interaction between the revetment and the adjoining seawalls. In other words, the revetment by itself may not be problematic; it is the revetment's effect on the abutting seawall and properties that raises questions.

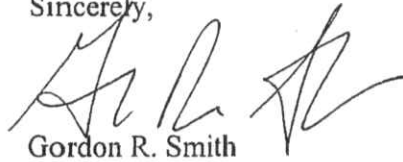
After two years of reviewing the multiple iterations of the Stones' application, the Department and the Maine Geological Survey remained concerned that the revetment could result in increased damage to the dunes, beachfront and seawall on adjoining properties. Despite the considerable engineering that has been brought to bear on the project, the effect of altering the seawall design remains uncertain. That uncertainty is reflected in numerous comments by MGS. Because the State's Coastal Sand Dune Rules prohibit alteration of a seawall's size or location without an affirmative demonstration that the new design will be less damaging to the environment and to abutting property, that uncertainty weighs against approval of the proposed revetment.

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Accordingly, PNBA believes that the Department arrived at the appropriate decision when it denied the Stones' revetment application.

Sincerely,

A handwritten signature in black ink, appearing to be "G.R. Smith", written over the printed name.

Gordon R. Smith

cc: Mr. William Bullard
Margaret Bensinger, AAG
Nicholas D. Livesay, Esq.
Mr. Robert Swain

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